

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: SOCIAL MEDIA POLICY

Date Adopted: November 21, 2017

File 1.79
Number

POLICY OBJECTIVE

The City of Eureka's use of social media enhances communication and engagement with the public. It is being employed to advance the goals of the City and its departments in efficient operations, inclusion, and transparency. The City shall utilize and manage Official City Social Media Accounts in a consistent manner across all of its departments and divisions to advance the City's vision.

DEFINITIONS

Authorized Social Media Publisher(s): A City employee who has been authorized, pursuant to the procedures contained in this document, to use Official City Social Media Accounts.

City: City of Eureka

Communications on Social Media: Includes, but is not limited to, ideas, photos, videos, news, links, responses, and other content expressed on social media.

Defamatory Statement: Includes, but are not limited to, untrue statements that are presented as fact about another individual which damages their reputation.

Legal Ownership: Refers to intellectual property rights.

Official City Social Media Account or Official Account: A City account on a social media platform that has been approved pursuant to the procedures contained in this document.

Social Media Platform: An online platform through which users can establish an account and create online communities to share information. Examples of social media platforms are Facebook, Instagram, LinkedIn, Nextdoor, Twitter, Periscope, Vine, and YouTube.

Official City Content: Content that is published on social media platforms consistent with this policy on behalf of the City by department, division, program staff, or consultants at the direction of City employees.

POLICY

A. Official City Social Media Accounts

The City's overriding interest and expectation in deciding what is spoken, published, or broadcasted on behalf of the City requires that Official City Content be limited to Official City Social Media Accounts.

A list of the Official Accounts shall be maintained by the City's City Clerk/CIO (the "Office"). The Office shall also maintain a list of the login and password information for each Official Account or be added as an administrator, so the City can immediately edit or remove content in accordance with this policy.

Departments are allowed one Official Account per division or program within their department for each social media platform. The Official Account must comply with all provisions of this policy. Department Directors may delegate employees to have one Official Account for each social media platform.

Official Accounts that violate this policy may be removed or closed without notice, at the sole discretion and authority of the City Clerk/CIO.

Official Accounts shall comply with all applicable federal, state, and local laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, California Public Records Act, First Amendment, privacy and information security policies established by the City.

B. Authorized Social Media Publishers

Authorized Social Media Publishers shall:

- Regularly review, be familiar with, and comply with the City's policies on use of Official Accounts.
- Monitor, use and interact on Official Accounts only during regular work hours; however, this restriction does not apply to employees that are exempt or in public safety.
- Regularly monitor and manage all comments to their respective Official Accounts.
- Provide original and updated logins, passwords and other information needed to access their division's Official Accounts to their Department Director and the City Clerk/CIO.

C. Communications on Official City Social Media Accounts

Other than the City Clerk/CIO, only Authorized Social Media Publishers may post, edit, delete, or modify information on Official Accounts.

1. Generally when using Official Accounts, Authorized Social Media Publishers shall:

- Be respectful, professional, ethical, and comply with all City policies, local, state, and federal laws.
- Use proper grammar and avoid technical terms or abbreviations unless there is a common understanding of its meaning.
- Ensure the information communicated is accurate and complete. If a mistake is made, it should be disclosed and promptly corrected.
- Be transparent and truthful. Honesty or dishonesty will be quickly noticed in the social media environment. Remember, employees may be personally held responsible for content. Always be careful and considerate. Once the words are posted, they can't be retrieved.
- Be judicious. Content that is published is widely accessible and will be around for a long time, so consider the content carefully. A social media post could be used in a legal action against the City or its employee.
- Stay current and be consistent with the goals of the City.
- Do not post photographs of minors enrolled in City programs without written consent.

2. Authorized Social Media

When using Official Accounts, Authorized Social Media Publishers shall not:

- Post personal information, except for names of City employees whose job duties include being available for contact by the public.
- Post comments, photographs, or videos that could discredit or embarrass the City.
- Express personal views or concerns through postings.
- Reveal confidential information as defined by any City policy, or local state, or federal law.
- Post anything that would infringe upon another's property rights, such as copyrighted material.
- Post anything that would injure another person's or entities professional or personal reputation.
- Post any content that engages in political or religious advocacy or commentary, or supports or opposes any ballot issue or candidate for office.
- Post any content that is prohibited on Official City Social Media Accounts.

3. Prohibited Content

The following is prohibited on Official Accounts:

- Comments not topically related to the particular post being commented on;
- Profane or obscene language or content;
- Sexual content;
- Threats;
- Defamatory statements;
- Encouragement of illegal activity;
- Violations of a legal ownership interest of any other party;
- Solicitations of commerce;
- Statements in support of or opposition to political campaigns, candidates, or ballot measures;
- Content that promotes, foster, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation; and
- Information that may tend to compromise the safety or security of the public or public systems.

4. Integrating with the City's Website

The city's website - ci.eureka.ca.gov will remain the City's primary and predominant means of internet communication. Official City Social Media Accounts shall supplement, but not replace, the City's required notices and standard methods of communication.

All Official Social Media Accounts shall link back to the City's official website for forms, online services, and other information necessary to conduct business with the City.

5. Interacting with Other Social Media Accounts

Interacting with other social media accounts can be a useful tool in informing residents about City activities, policies, and issues. However, Authorized Social Media Publishers should use sound judgment when interacting with other social media accounts because those interactions may easily be misinterpreted. "Interacting", as used here includes, but is not limited to, "like(s)", "post(s)", "tweet(s)", or "following" on social media platforms. For example, "liking" or "re-posting" on Facebook and "following" or "re-tweeting" on Twitter can be perceived as an endorsement of that person,

account, message, or thing. And those things can change over time. Similarly, “un-liking” or “un-following” can be perceived as a rejection of that person or thing.

Authorized Social Media Publishers must do the following when considering interacting with non-City social media accounts:

- Read all information in the original and any other relevant post, tweet, or link thoroughly before interacting with it to ensure that it enhances community knowledge about City activities, issues, policies, and priorities. If the content does not specifically address the City, it should be of interest to the particular Official Account’s audience.
- Interact with information that is consistent with the City’s goals
- Clearly identify the external source of the information (post, tweet, like, etc.). Authorized Social Media Publishers are encouraged to interact with other social media accounts operated by the City, other governmental agencies, or business that are promoting the City’s projects or goals. The following are some examples of appropriate account interactions:
 - Other Official Accounts
 - Other governments or quasi-government agencies relevant to the subject matter of the particular account. For example, the Utilities Department may want to interact with water conservation agencies.
 - City-related organizations, such as the Sequoia Park Zoo Foundation.
 - Businesses such as Eureka Main Street or Eureka Chamber of Commerce.
 - Relevant media outlets (local, regional, state, trade)

6. Managing Public Comments

Public comments are allowed on Official Accounts. An appropriate legal disclaimer shall be posted on an Official Account or a link provided to the Social Media Policy. (See Procedures.) The Authorized Social Media Publisher shall delete any comment that contains prohibited content as described in section 4.C.3 of this policy.

Individuals shall not be blocked and content on Official Accounts shall not be deleted simply because they are critical of the City, its officials, or employees, or because the agency or Authorized Publisher otherwise dislikes what the content says or represents. Content may be deleted only when it violates this Policy.

Any content removed from an Official Account must be retained in accordance with the City's Records Retention Policy and the time, date, and identity of the poster shall be noted, if that information is available.

7. Social Media Posts Are Public Records

Any content published on an Official Account, including but not limited to lists of subscribers, posted communications, and communications submitted for posting, may be considered a public record for purposes of the California Public Records Act and the City's Records Retention Policy. The department responsible for maintaining the Official Account shall preserve and maintain records in an accessible format so that the records can be reviewed and, when appropriate, produced in response to a request for public records. Include a statement on the Official Account clearly indicating that any content posted may be subject to public disclosure upon request.

8. City Employee's Personal Use of Social Media

City employees are not prohibited from using social media platforms to express their opinions and view. However, if it can be reasonably interpreted from the content of the post (e.g., photo, comment, tweet, following, sharing, or video) or from other details provided on the City employee's social media account that the City employee is speaking on behalf of the City on their personal account, the employee shall provide a disclaimer on the account or in the same post stating that their opinions and views do not reflect the opinions and views of the City of Eureka.

This disclaimer aids in protecting City employee's lawful rights. However, the use of this disclaimer does not shield against discipline for violations of this policy. The City reserves its right to regulate what is spoken or expressed on its behalf.

- The following are two real-world examples where public employees were disciplined for posts made on their personal social media accounts. In both cases, the discipline imposed was upheld or determined to be lawful as it was reasonable to infer that the employees were speaking on behalf of the city. Please note that the following is not comprehensive. Determining what content could be reasonably interpreted to be protected is highly fact-sensitive and will be determined on a case-by-case basis.

Example A

The discipline of a public employee for making critical remarks on her personal Facebook account regarding a certain community group was lawful because the employee's comments brought into question her fitness for their position and reflected adversely on their employer. The employee identified her position and place of employment on her personal Facebook account. (Shepard v. McGee (013) 986 F. Supp. 2d 1211.)

Example B

The discipline of a public safety officer for posting negative comments about a co-worker's job performance and a superior officer's integrity on their personal Facebook account, set to private, was lawful because the employer's interest in establishing and maintaining discipline and good working relationships amongst its employees was of greater importance. (Gresham v. City of Atlanta (2013) 542 Fed. Appx. 817.) Public safety officers are "classic positions of public trust" and are held to a higher standard than most other public employees.

- Keep in mind that if an employee's conduct on social media platforms adversely affects job performance or the performance of a co-worker, is detrimental to the mission and function of the City, or otherwise adversely affects members of the public served by the City, people who work on behalf of the City, or the City's legitimate business interests, the City may take disciplinary action against the employee up to and including termination.
- Utilize non-work email addresses and phone numbers when establishing personal social media accounts
- Nothing in the policy inhibits an employee's right to engage in protected concerted activities as specified in the Meyer-Milias Brown Act. Protected concerted activities include the right to form, join, and participate in the activities of employee organizations of the employee's choice for representation on all matters of employer-employee relations.

PROCEDURES

1. Establishing an Official City Social Media Account

To establish an Official City Social Media Account, a department director submits a request to the City Clerk/CIO. The City Clerk/CIO may only approve the establishment of an Official Account if, in the City Clerk/CIO's sole discretion, the social media platform is an appropriate channel of communication for the City and the use of it is consistent with the vision and mission statements in this Policy.

2. Setting up an Official City Social Media Account

Use the following to set up an Official City Social Media Accounts:

a. Account Information

Use authorized city contact information for account set-up, including the Authorized Social Media Publisher's work email address and direct or department telephone number.

Do not use personal email accounts or telephone numbers for the purpose of setting-up Official Accounts.

If a social media account requires an indirect "personal account" to be accessed, e.g., Facebook, then the social media publisher is required to provide access to a Citywide Master Admin account maintained by the City Clerk/CIO.

b. Branding

Because social media is freely available to anyone, branding Official Accounts is required. Include the following text statement on all Official Accounts the: "This is the official [Name of Social Media Platform] account for the [Department Name] of the City of Eureka, California."

For example, use one of the following naming conventions for the URL of the official city social media account

- Twitter.com/EkaCity or (Information, Parks, Clerk, etc.)
- YouTube.com/EkaCity
- Facebook.com/CityofEureka

For official Accounts existing before the adoption of this Policy, department directors may submit a request to the City Clerk/CIO for permission to deviate from the above branding conventions when it can be demonstrated that the convention can't be followed.

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c. Legal Disclaimers

The following disclaimer or link to this policy shall appear on every social media official City account.

This account is intended to be limited forum for communication and discussion between the City of Eureka and members of the public about specific topics. The City of Eureka reserves the right to remove inappropriate comments including those comments that are not topically related, comments that include profane or obscene language, sexual content, threats, defamatory statements, the encouragement of illegal activity, violation of the legal ownership interest of another party, solicitations of commerce, statements in support or opposition to political candidates or ballot propositions, content that promotes, fosters, or perpetuates discrimination, or information that may comprise the safety or security of the public or public systems. Any content posted may be subject to public disclosure upon request. Activity on this account is subject to all applicable federal, state, and local laws regulations and policies.

3. Archiving Official City Social Media Accounts

Use the City's social media archiving tool in compliance with the City's Retention Schedule.